

Rankin & Taylor

Attorneys at Law

11 Park Place, Suite 914
New York, New York 10007

Gillian@DRMTLaw.com
Phone: 212-226-4507
Fax: 212-658-9480

VIA ECF ONLY

November 13, 2015

Honorable James Orenstein
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Jose Garcia, et al. v. The City of New York, et al.*
Index No. 15-CV-02210 (JG) (JO)

Your Honor:

I am an associate at Rankin & Taylor, PLLC, attorneys for the plaintiffs in the above-referenced case. Plaintiff writes the court to enforce a subpoena served on the office of the Kings County District Attorney ("DA's Office") demanding a copy of the application for the search warrant issued for plaintiffs' residence.

In the early morning hours of May 20, 2014 officers of the New York City Police Department (NYPD) forcibly entered plaintiffs' residence and falsely arrested eleven plaintiffs, including three minor children. See Amended Complaint, ECF Docket Entry No. 10. On or about August 4, 2015, plaintiffs served a subpoena on the office of the Kings County District Attorney requesting all documents supporting or related to the search warrant for the residence at which plaintiffs were unlawfully arrested and any investigation. See Exhibit A. Plaintiffs requires these materials to determine whether the search was itself valid and whether the warrant was obtained by fraud, perjury, or other invalid means. To determine the validity of the warrant plaintiff requires the warrant application and any records taken in investigating and thereafter deciding to decline prosecution.

Plaintiffs' counsel thereafter received a letter from Assistant District Attorney Maria Park raising a number of objections to the subpoena and requesting additional information to unseal and locate the subject file. See Exhibit B. Plaintiffs responded to the request by letter providing the § 160.50 authorization for plaintiff Jose Garcia and additional materials to assist in locating the corresponding file. See Exhibit C. There after the undersigned spoke with attorney Maria Park by phone at which time she indicated the DA's Office would require unsealing order before they would produce the requested items. Plaintiffs' counsel again contacted the DA's Office by phone on November 12, at which time Toni Lichstein indicated the requested items could not be provided without an unsealing order and that the Kings County DA's Office would object to this

motion.

Plaintiffs must have these materials to prepare for depositions. Plaintiff specifically requests the Kings County DA's Office be ordered to produce the warrant application, supporting documents, and any notes by the DA from the investigation or otherwise respond to this application by November 20, 2015.

A copy of this application is being hand delivered to the DA's Office this afternoon. Plaintiffs thank the Court for its time and consideration.

Respectfully submitted,



Gillian Cassell-Stiga

cc: Elissa Beth Jacobs, defense counsel
(via ECF)

Toni Lichstein, Assistant District Attorney Kings County
(via hand delivery and email)

Plaintiffs
(via hand delivery)